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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **SEAN ADAMS,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **PROFESSIONAL RECOVERY)**
18 **SERVICES, INC.,**)
19)
20 Defendant.)

21 **I. INTRODUCTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*
24 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,
25 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy
26 ancillary to Defendant's collection efforts.

27 **II. JURISDICTION**

28 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Sean Adams, is a natural person residing in Utah.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1 5. Defendant, Professional Recovery Services, Inc., is a corporation engaged in
2 the business of collecting debts by use of the mails and telephone, and Defendant
3 regularly attempts to collect debts alleged to be due another.
4

5 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
6 1692a(6) trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).
7

8 **IV. FACTUAL ALLEGATIONS**

9 7. At various and multiple times prior to the filing of the instant complaint,
10 including within the one year preceding the filing of this complaint, Defendant
11 contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s
12 conduct violated the FDCPA in multiple ways, including but not limited to after having
13 received a written communication from Plaintiff disputing the debt, continuing to
14 contact Plaintiff without having first having provided validation of the debt (§
15 1692g(b)).
16
17

18 8. Defendant’s aforementioned violations of the FDCPA also constitute an
19 invasion of Plaintiff’s right to privacy, causing injury to Plaintiff’s feelings, mental
20 anguish and distress.
21

22 9. Defendant’s aforementioned violations of the FDCPA also constitute an
23 intentional intrusion into Plaintiff’s private places and into private matters of Plaintiff’s
24 life, conducted in a manner highly offensive to a reasonable person. With respect to
25 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was
26 objectively reasonable under the circumstances.
27
28

COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 21st day of July, 2009

By: s/ Marshall Meyers
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